INDEX*

(The following abbreviations refer to sections of the *Journal: BN*, Briefer Notices; *BR*, Book Reviews and Notes; *CD*, Current Developments; *CE*, Collected Essays; *Corr.*, Correspondence; *CP*, Contemporary Practice of the US Relating to International Law; *Ed.*, Editorial Comments; *ID*, International Decisions; *LA*, Leading Article; *NC*, Notes and Comments; *Sym*, Symposium. Other abbreviations include: AJIL, *American Journal of International Law*; ASIL, American Society of International Law; ECHR, European Court of Human Rights; ICC, International Criminal Court; ICJ, International Court of Justice; ICTR, International Criminal Tribunal for Rwanda; ILC, International Law Commission; IMF, International Monetary Fund; ITLOS, International Tribunal for the Law of the Sea; UK, United Kingdom; US, United States; UN, United Nations; UNCHR, United Nations Commission on Human Rights; UNGA, United Nations General Assembly; US, United States; WTO, World Trade Organization.)

Abbell, Michael, Obtaining Evidence Abroad in Criminal Cases; Extradition to and from the United States; and International Prisoner Transfer (3 vols.), *BN* 763

Abi-Saab, Georges, on "degrees of freedom", 915

Aceves, William J., *ID* 210–8

Afghanistan. *See* Military commissions, terrorism

Africa, sub-Saharan, trade developments between US and, *CP* 978–9

African Charter on Human and Peoples' Rights (1981)
breach of obligations by Nigeria, *ID*

African Union
Constitutive Act of the African Union (2000), *CD* 365–79
contents of, 372–7
creation of, 369–72
financing of, 377
member states, 371
objects and principles of, 372–4
organs and institutions of, 374–7

African Yearbook of International Law (Vol. 8, 2000), *CE* 522

Afterword: The Linkage Problem—Comments on Five Texts, *Sym.* 118

Afterword: The Question of Linkage, *Sym.* 126

Afterword: The "Trade and . . . " Conundrum—A Commentary, *Sym.* 135

Ago, Roberto, on state responsibility, 792–3, 795, 827, 857, 876

Agora: Military Commissions, *Ag.* 320

[The] Agreement on Succession Issues of the Former Socialist Federal Republic of Yugoslavia, *CD* 379

Aldrich, George H., The Taliban, Al Qaeda, and the Determination of Illegal Combatants, *Ed.* 891

Aleinikoff, T. Alexander, and Douglas Klusmeyer (eds.), Citizenship Today: Global Perspectives and Practices, *BR* 514

Al-Enazy, Askar Halwan, "The International Boundary Treaty" (Treaty of Jeddah) Concluded Between the Kingdom of Saudi Arabia and the Yemeni Republic on June 12, 2000, *CD* 161

Al Qaeda
and attacks on September 11, 2001, 237–55, 905–21
See also Military commissions; Terrorism

Al Qaeda, Terrorism, and Military Commissions, *Ag.* 328

Alston, Philip, and James Crawford (eds.), The Future of UN Human Rights Treaty Monitoring, *BR* 504

Alvarez, José E. (ed.)
Symposium: The Boundaries of the WTO, *Sym.* 1
Foreword, *Sym.* 1
The WTO as Linkage Machine, *Sym.* 146

Amann, Diane Marie, *ID* 439–45

Arangio-Ruiz, Gaetano, special rapporteur of ILC, 796

Arms control
second review conference of UN Convention on Conventional Weapons, *CD* 922–36
signing of Treaty on Strategic Offensive Reduction (US – Russia), *CP* 734–5
US nationals detained as unlawful combatants, *CP* 981–3

Arnaldez, Jean-Jacques,
elected deputy-registrar of ICJ, 410

Atapattu, Sumudu, *BR* of Trouwborst, 1016

Australia
refugee protection, *CD* 661–76
compatibility with international law, 665–76

* Prepared by Annebeth Rosenboom.

new legislation, 663–5
Pacific Solution, 663–5, 676
Australian Refugee Protection in the Wake of the *Tampa*, *CD* 661

Badinter Arbitration Commission. *See* **Yugoslavia, Socialist Federal Republic of**,
Bagwell, Kyle, Petros C. Mavroidis, and Robert W. Staiger, It's a Question of Market Access, *Sym.* 56
Bahrain, in case against Qatar before ICJ, *ID* 198–210
Bantz, Vincent P. *See* Oxman
Barbosa, Julio, special rapporteur of ILC, 795
Bassiouni, M. Cherif, *BR* of Zawati, 1000
Baxter, Richard, on humanitarian law, 925
Bederman, David, Counterintuiting Countermeasures, *Sym.* 818
Bedjaoui, President, resignation from ICJ, 410
Belgium, arrest warrant issued against Congo's foreign minister for crimes against humanity, 677–84
Belize, in case against France before ITLOS, *ID* 219–25
Bell, Christine, Peace Agreements and Human Rights, *BR* 282
Beresford, Stuart, Redressing the Wrongs of the International Justice System: Compensation for Persons Erroneously Detained, Prosecuted, or Convicted by the Ad Hoc Tribunals, *NC* 606
Beyond the Charter Frame: Unilateralism or Condominium?, *Ed.* 359
Bhagwati, Jagdish, Afterword: The Question of Linkage, *Sym.* 126
Bilder, Richard B. (ed.), Recent Books on International Law, 264, 489, 736, 984
Bin Laden, Osama,
and attacks on September 11, 2001, 237–55
Biological Diversity, Convention on (1992)
in case before ECJ, *ID* 950–5
Bodansky, Daniel,
on 'myth system' of international environmental law, 291
and John Crook (eds.)
Symposium: The ILC's State Responsibility Articles, *Sym.* 773
Introduction and Overview, *Sym.* 773
Books Received, 286, 522, 764, 1019
Book Reviews, 264, 489, 734, 984
Bosnia and Herzegovina, *see* Yugoslavia, Socialist Federal Republic of
Bradlow, Daniel D., and Alfred D. Escher (eds.), Legal Aspects of Foreign Direct Investment, BN 759
Briefer Notices, 286, 759
Brody, Reed
BR of Politi & Nesi, 268
BR of Shelton, 268
Brown, Bartram S.
BR of Conlon, 506
BR of Gowlland, 506
Brown Weiss, Edith, Invoking State Responsibility in the Twenty-first Century, *Sym.* 798
Brownlie, *BN* of Cook & Carleton, 286

Carducci, Guido, New Developments in the Law of the Sea: The UNESCO Convention on the Protection of Underwater Cultural Heritage, *CD* 419
Carleton, Chris M., *See* Cook
Caron, David, The ILC Articles on State Responsibility: The Paradoxical Relationship Between Form and Authority, *Sym.* 857
[The] Case Against Military Commissions, *Ag.* 337
Cedeño, Rodríguez, on unilateral acts, 418–9
Charlesworth, Hilary and Christine Chinkin, Sex, Gender, and September 11, *Ed.* 561
Charnovitz, Steve, Triangulating the World Trade Organization, *Sym.* 28
Chechnya
as discussed in UNCHR, 195
China, People's Republic of
as discussed in UNCHR, 196
North Koreans seeking asylum at US diplomatic compounds in, *CP* 718–9
Chinkin, Christine. *See* Charlesworth
Climate change, *see* United Nations Framework Convention on Climate Change
Collected Essays, 510
Congo, Democratic Republic of
sovereign immunity of foreign minister under international law, *ID* 677–84
Conlon, Paul, United Nations Sanctions Management: A Case Study of the Iraq Sanctions Committee, 1990–1994, *BR* 506
Contemporary Practice of the United States Relating to International Law, 237, 461, 706, 956
Cook, Peter J., and Chris M. Carleton (eds.), Continental Shelf Limits: The Scientific and Legal Interface, *BN* 286
Correspondence, *NC* 646
Council of Europe
Parliamentary Assembly response to US views on future for war crimes tribunals, 484
US views on hate-speech protocol to Cybercrime Convention, *CP* 973–5
Counterintuiting Countermeasures, *Sym.* 818
Crawford, James,
on state responsibility, 831, 857
The ILC's Articles on Responsibility of States for Internationally Wrongful Acts: A Retrospect, *Sym.* 874
Croatia, Republic of, *see* Yugoslavia, Socialist Federal Republic of
Crook, John R.
The 2001 Judicial Activity of the International Court of Justice, *CD* 397
See also Bodansky
Cuba
as discussed in UNCHR, 195
Inter-American Commission of Human Rights, decision on detainees in US naval base, *CP* 730–1

Cummins, Sally J., and David P. Stewart (eds.), Digest of United States Practice in International Law, 2000, *BR* 748
Current Developments, 161, 365, 648
Cyprus
in case before ECHR, *ID* 445–52
Czechoslovakia
US State Department discretion to espouse claims by naturalized US citizens, *CP* 262–3

Dalton, Jane G., *BR* of Walker, 278
Danilenko, Gennady, on Russian national orientation toward international legal system, 542–4
Death penalty
as discussed in UNCHR, 184–5
Declaration of Quebec City (2001), *CD* 173–81
De La Fayette, Louise, *ID* 685–92
Democracy
in nation-states of Americas, *CD* 173–81
right to, 182–3
Disappearances
as discussed in UNCHR, 186–7
Discrimination
United Nations Convention on the Elimination of All Forms of Racial Discrimination (1965), 473
Diehn, Thomas and Julianne Kokott, *ID*
Dispute settlement
boundary dispute between Saudi Arabia and Yemen, 161
Donahue, John D., *See* Nye
Dugard, John R., on continuity of nationality and exhaustion of local remedies, 416–8

Elaraby, Ambassador
elected judge at ICJ, 410
Ellicott, John, *BR* of Malloy, 1009
Emberland, Marius, *ID* 699–705
Environment
US blocking of Iceland's efforts to join Whaling Convention, *CP* 712–7
US proposal for reducing greenhouse gases, *CP* 487–8
See also International environmental law
Escher, Alfred D. *See* Bradlow
European Convention on Cybercrime (2001)
US views on hate-speech protocol, *CP* 973–5
European Convention on the Protection of Human Rights and Fundamental Freedoms (1950)
assisted suicide and right to life, *ID* 943–9
breach of by Turkey in Turkish Republic of Northern Cyprus, 445–52
requirement of exhaustion of local remedies, 445–52
Swiss reservation to Article 6, 549–50
European Court of Human Rights
appropriate balance between state's own interests and those of individual, 698–9
on regulated return of displaced persons, 451–2
positive obligations incumbent upon states with respect to unwarranted interference with peaceful enjoyment of homes, 697–8
reach of European convention law in context of sovereign immunity of foreign states, *ID 699–705*
stance on issue of missing persons, 449–50
willingness to take environmental considerations into account, 696–7
European Court of Justice
accepting environmental concerns, *ID* 225–30
on equal treatment, *ID* 453–60
on legal protection of biotechnological inventions, *ID* 950-5
on permissible limitation on free movement of goods, *ID* 225–30
on positive action, 454–5, 458–60
on relationship between international agreements and EC law, *ID* 950–5
on state aid, *ID* 225–30

Falk, Richard,
BR of Fox & Roth, 264
BR of Marks, 264
Farer, Tom J.
Beyond the Charter Frame: Unilateralism or Condominium?, *Ed.* 359
BR of Maguire, 493
[The] Fifty-seventh Session of the UN Commission on Human Rights, *CD* 181
[The] Fifty-third Session of the International Law Commission, *CD* 412
Fitzpatrick, Joan, Jurisdiction of Military Commissions and the Ambiguous War on Terrorism, *Ag.* 345
Fox, Gregory H., and Brad R. Roth (eds.), Democratic Governance and International Law, *BR* 264
France
in case against Belize before ITLOS, *ID* 219–25
[The] Francis Deák Prize, *NC* 647
Franck, Tom,
Inspections and Their Enforcement: A Modest Proposal, *Ed.* 899
on norms of humanitarian law and use of force, 916
From Politics to Technocracy—and Back Again: The Fate of the Multilateral Trading Regime, *Sym.* 94
Fuentes-Camacho, Teresa (ed.), The International Dimensions of Cyberspace Law, *BR* 510

Gamble, John King
BR of Cummins & Stewart, 748
BR of Murphy, 748
Gardam, Judith G., and Michelle J. Jarvis, Women, Armed Conflict and International Law, *BR* 755
General Agreement on Tariffs and Trade (GATT), *See* World Trade Organization
Germany, Federal Republic of
in *LaGrand* case before ICJ, 210–9, 400–2, 411, 461–3

Glennon, Michael J., Limits of Law, Prerogatives of Power: Interventionism After Kosovo, *BR* 489
Goodman, Ryan, Human Rights Treaties, Invalid Reservations, and State Consent, *LA* 531
Gowlland-Debbas, Vera (ed.), UN Sanctions in International Law, *BR* 506
Guillaume, President
presenting ICJ's annual report to UN General Assembly, 410

Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict (1954)
Second Protocol (1999), 927–8
Health
hazards of smoking arguments in Canadian suit in US court concerning cigarettes, *CP* 715–7
right to life and assisted suicide, *ID* 943–9
WTO Appellate Body on banning importation of asbestos and related products, *ID* 435–9
Higgins, Rosalyn, on state responsibility, 793
Hodapp, Paul. *See* Mazurana
Hoffmeister, Frank, *ID* 445–52
Howse, Robert, From Politics to Technocracy—and Back Again: The Fate of the Multilateral Trading Regime, *Sym.* 94
Human rights
assisted suicide and right to life, *ID* 943–9
doctrine of command responsibility in US cases, *CP* 719–23
Inter-American Commission of Human Rights, decision on detainees on US naval base in Cuba, *CP* 730–1
legal analysis by US State Department of 1994 genocide in Rwanda, *CP* 258–60
Nigeria before African Commission on Human and Peoples' Rights, *ID* 937–42
North Koreans seeking asylum at US diplomatic compounds in China, *CP* 718–9
right to consular assistance as part of, 216
US Department of Defense rules on military commissions, *CP* 731–4
US detention of aliens in aftermath of September 11 attacks, *CP* 470–5
US view on pursuing a Torture Convention protocol on preventive visits, *CP* 970–1
See also Military commissions
Human rights treaties
anti-severability (AS) position, 531–6, 540, 554–5, 559–60
established democracies and, 544–51
newly established democracies and, 540–4
nondemocratic states and, 551–5
presumption of severance of invalid reservation, 555–9
reservation as condition of ratification, 536–55
state consent and severing invalid reservations, 531, 535–55
See also International Law Commission
Human Rights Treaties, Invalid Reservations, and State Consent, *LA* 531

Iceland
US blocking of efforts to join Whaling Convention, *CP* 712–7
[The] ILC and State Responsibility, *Sym.* 792
[The] ILC Articles on State Responsibility: The Paradoxical Relationship Between Form and Authority, *Sym.* 857
[The] ILC's Articles on Responsibility of States for Internationally Wrongful Acts: A Retrospect, *Sym.* 874
Indigenous rights
as discussed in UNCHR, 186, 193–4
Inspections and Their Enforcement: A Modest Proposal, *Ed.* 899
Institutional Linkage: Transcending "Trade and . . . ", *Sym.* 77
"[The] International Boundary Treaty" (Treaty of Jeddah) Concluded Between the Kingdom of Saudi Arabia and the Yemeni Republic on June 12, 2000, *CD* 161
International Court of Justice
docket in 2001, 411
first authoritative statement on law of state immunity, 680–4
institutional developments, 410–1
judicial review of Security Council's decisions, 904
law-developing function of, 209–10
legal effect of provisional measures orders, *ID* 211–8
procedural changes to expedite proceedings, 410–1
International Covenant on Civil and Political Rights (1966), 324–8, 339, 350–2, 674–6
application in the Netherlands, 546–9
application in Nordic countries, 546–7
application in Russian Federation, 543–4
application in US, 545
See also Human rights treaties
International Covenant of Economic, Social and Cultural Rights (1966), 188–90
individual complaints procedure, 188–91
international cooperation in realization of, 191–2
rights to food, housing and health, 189–91
International Criminal Court
on command responsibility, 722–3
relationship with US in American Servicemembers' Protection Act, *CP* 975–7
Statute of, on armed conflicts, 927
US adherence to, 160
US efforts to obtain immunity from for US peacekeepers, *CP* 725–9
US notification of intent not to become a party to the Rome Statute, *CP* 724
International criminal law
US relationship with ICC in American Servicemembers' Protection Act, *CP* 975–7

US views on future for war crimes tribunals, *CP* 482–4
US views on hate-speech protocol to Cybercrime Convention, *CP* 973–5
See also Military commissions
International Criminal Tribunal for Rwanda
on command responsibility, 722
International Criminal Tribunal for the Former Yugoslavia
adequacy of factual allegations in indictment, *ID* 439–45
appellate tribunal overturning convictions, 443–5
on command responsibility, 722
subpoena of *Washington Post* journalist, *CP* 967–8
US pressure on Serbia to transfer ICTY indictees, *CP* 729–30
International Decisions, 198, 435, 677
International economic law
US President's signing of Bipartisan Trade Promotion Authority Act, *CP* 980
imposition of US tariffs on steel imports, *CP* 977–8
increase of US foreign aid, *CP* 717–8
trade developments between US and Sub-Saharan Africa, *CP* 978–9
International environmental law
Convention on Environmental Impact in a Transboundary Context (Espoo Convention) (1991), 291, 301–5
Draft North American Agreement on Transboundary Impact Assessment, 305–8
ILA draft articles on prevention of transboundary harm, 308–11
Stockholm Declaration on the Human Environment (1972)
Principle 21, 292–391
Principle 22, 295
transboundary environmental impact assessment, *LA* 291–319
effectiveness of, 316–9
principle of nondiscrimination, 311–6
International humanitarian law
Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention) (1949), 325–6, 339, 476–80, 891–8, 911
US nationals detained as unlawful combatants, *CP* 981–3
decision not to regard persons detained in Afghanistan as POWs, *CP* 475–80, *Ed.* 891–8, 911–13
international reactions, 912–3, 920
Inter-American Commission of Human Rights, decision on detainees on US naval base in Cuba, *CP* 730–1
second review conference of Convention on Certain Conventional Weapons, *CD* 922–36
sovereign immunity of Congo's foreign minister under international law, *ID* 677–84
Swiss municipal court exercising universal jurisdiction, *ID* 231–6
US interpretation of, 913–19
US views on future for war crimes tribunals, *CP* 482–4
See also Military commissions
International Law Commission
53rd session of, *CD* 412–9
on diplomatic protection, 416–8
on prevention of transboundary harm, 308–11, 415–6
on reservations to treaties, 418
on responsibility of international organizations, 419
on state responsibility, 412–5
on underwater cultural heritage, 419, 425
on unilateral acts, 418–9
International Law Commission and state responsibility, *Sym.* 792–890, 908
acts not wrongful, 795
breach of international obligation, 795
character and future of articles, *Sym.* 885–90
authority of articles, 889–90
limited to interstate approach to international law, 886–8
product of civilian legal tradition, 885–6
circumstances precluding wrongfulness, 793–4
content of articles, *Sym.* 876–85
countermeasures and dispute settlement, 882–5
invocation of responsibility, 880–82
lex specialis principle and issue of self-contained regimes, 879–80
primary and secondary obligations, 876–9
countermeasures, *Sym.* 817–32
adoption of rules of, 822–6
and commensurateness, 831, 882
and customary international law, 829
and dispute settlement mechanisms, 825–6
and fundamental human rights, 830
and proportionality, 820–2
conceptual mission of, 830–2
formalism and pragmatism in codification of, 826–9
legitimizing, 882
material breach, 823
reversibility principle, 824
sources for practice of, 819–22
dispute settlement, 796
form and authority of articles on state responsibility, *Sym.* 857–73
authority of work of ILC, 867–8, 889–90
customary international law of secondary principles, 872, 915
debate within ILC and UNGA's action on, 861–6
draft conventions as ILC's working style, 862–4

'general principle of State responsibility', 871–2
ILC's study is not a "source"of law, 867
interpretation and application of ILC articles on, 868–73
utility and cost of codification, 859–61
government comments and statements, 874–5
history, 792–3
invoking state responsibility, *Sym.* 799–800, 880–2
before international tribunals, 805–8
definition of invocation, 800
environmental protection and, 811–2
European Community courts and, 813–4
human rights and, 809–11
in national courts, 808–9
injured state, 802–3, 881
International Court of Justice and, 814–5
investor claims and, 812–3
noninjured state, 803–5, 881
nonstate actors, 799, 809–16, 908, 915
right and obligation of invocation, 800–9
primary and secundary rules, 794–5, 818
reparations, *Sym.* 833–56
causation, 846–7
cessation of wrongful act, 839–41
compensation, 851–3
interest, 853
overview of articles on, 837–8
principle of full reparation, 845–6
remedial purpose of, 844–9
remedies, 835–7
restoring and maintaining rule of law, 839–44
restitution, 849–51
serious breaches of peremptory norms, 841–4
International Legal Materials, Contents, 290, 517, 764, 1022
International Monetary Fund
legal aspects of relationship with WTO, *LA* 561–99
categories of interaction, 572–99
institutional and operational differences, 562–7
key legal provisions governing relationship, 567–72
Invoking State Responsibility in the Twenty-first Century, *Sym.* 798
Iran
in case before US federal district court, 463–8
Iran–United States Claims Tribunal, 853
Iraq
compliance with UN weapons inspections, *CP* 956–62
US expulsion of diplomat accredited to UN, *CP* 963–4
Ireland
in case before ECHR, *ID* 699–705
Israel
as discussed in UNCHR, 196
It's a Question of Market Access, *Sym.* 56

Jackson, John H., Afterword: The Linkage Problem—Comments on Five Texts, *Sym.* 118
Japan
dismissal of claims by aliens for forced labor by US court, *CP* 261–2
Jarvis, Michelle J., *See* Gardam
Jennings, Sir Robert, advising ICJ, 209–10
Jennis, Michael J., The Fifty-seventh Session of the UN Commission on Human Rights, *CD* 181
Joelson, Mark, International Antitrust Primer: A Guide to the Operation of the United States, European Union, and Other Key Competition Laws in the Global Economy, *BR* 1012
Jurisdiction of Military Commissions and the Ambiguous War on Terrorism, *Ag.* 345
Jus ad bellum. *See* Use of force
Jus ad Bellum and *Jus in Bello* after September 11, *NC* 905
Jus in bello. *See* International humanitarian law

Kaplan, Margo, *See* Rosenstock
Karamanian, Susan, *BR* of Joelson, 1012
Kaye, David and Steven Solomon, The Second Review Conference of the 1980 Convention on Certain Conventional Weapons, *CD* 922
Kirgis, Frederic L., *BR* of Sands & Klein, 736
Kirk McDonald, Gabrielle, and Olivia Swaak-Goldman (eds.), Substantive and Procedural Aspects of International Criminal Law: The Experience of International and National Courts, *BR* 1006
Kittrie, Nicholas N., Rebels with a Cause: The Minds and Morality of Political Offenders, *BR* 275
Klein, Pierre. *See* Sands
Klussmeyer, Douglas. *See* Aleinikoff
Knoops, Geert-Jan G. J., Defenses in Contemporary International Criminal Law, *BR* 517
Knox, John H., The Myth and Reality of Transboundary Environmental Impact Assessment, *LA* 291
Koh, Harold Honju, The Case Against Military Commissions, *Ag.* 337
Kokott, Julianne. *See* Diehn
Koskenniemi, Martti
on countermeasures, 884–5
on international law, 817
The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960, *BR* 995

Lagos, Enrique & Timothy D. Rudy, [The] Third Summit of the Americas and the Thirty-first Session of the OAS General Assembly, *CD* 173
Law of the Sea
International Convention on Salvage (1989), 425–6
maritime delimitation, *ID* 198–210
nationality of ship, *ID* 219–25
prompt release proceedings, *ID* 219–25
territorial sovereignty, *ID* 198–210

UN Convention on the Law of the Sea (1982), 419–34, 219–25
Commission on the Limits of the Continental Shelf, 969–70
UNESCO Convention on the Protection of Underwater Cultural Heritage (2001), *CD* 419–34
regimes of protection in various maritime zones, 427–32
US concerns, 468–70
US reaction to Russian continental shelf claim, *CP* 969–70
Law of treaties, *see* Human rights treaties
Law on remedies, *See* International Law Commission and state responsibility, reparations
Leebron, David. W., Linkages, *Sym.* 5
Legal Aspects of the IMF/WTO Relationship: The Fund's Articles of Agreement and the WTO Agreements, *LA* 561
Leigh, Monroe, memorial on, *NC* 159–60
Letterman, G. Gregory. Basics of International Intellectual Property Law, *BR* 752
Linkages, *Sym.* 5
Long, Doris Estelle, *BR* of Letterman, 752
Lowenfeld, Andreas F., *BR* of Rodman, 741

Macedonia, Republic of, *see* Yugoslavia, Socialist Federal Republic of
McWhinney, Edward, on codification, 859–60
Maguire, Peter H., Law and War: An American Story, *BR* 493
Malloy, Michael P., United States Economic Sanctions: Theory and Practice, *BR* 1009
Marks, Susan., The Riddle of All Constitutions: International Law, Democracy, and the Critique of Ideology, *BR* 264
Matheson, Michael J., U.S. Military Commissions: One of Several Options, *Ag.* 354
Mathew, Penelope, Australian Refugee Protection in the Wake of the *Tampa*, *CD* 661
Mavroidis, Peter C. *See* Bagwell
Mazurana, Steve, Thomas Trelogan, & Paul Hodapp, *ID* 453–60
Mertus, Julie, *BR* of Bell, 282
Military Commissions
and denial of prisoner-of-war status, 352–3, *Ed.* 891–8
and international armed conflict with states harboring Al Qaeda, 349–50
and international human rights law, 324–5
and international humanitarian law, 325–8, *Ed.* 891–8
and law of war, 328–37
and other options, 354–8
foreign courts, 356–7
international tribunals, 358
US civilian courts, 355–6
and war on Al Qaeda, 348–9
and war on terrorism, 346–7
as derogation from human rights treaties, 350–3
case against, 337–44
Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism (Military Order), 321–8, 337–41, 891
violating international law, 338–42
jurisdiction of, 345–54
terrorism as act of war, 328–37
Uniform Code of Military Justice, 321–3
US pursuing international justice, 342–4
use of to prosecute individuals accused of terrorist acts, 320–8
Monroe Leigh (1919–2001), *NC* 159
Moravcsik, Andrew, on newly established democracies and international human rights regimes, 540, 544, 546
Morton, Jeffrey S., The International Law Commission of the United Nations, *BR* 273
Mundis, Daryl A., The Use of Military Commissions to Prosecute Individuals Accused of Terrorist Acts, *Ag.* 320
Murphy, Sean D.
Contemporary Practice of the United States Relating to International Law, 237, 461, 706, 956
United States Practice in International Law: Volume 1, 1999–2001, *BR* 748
[The] Myth and Reality of Transboundary Environmental Impact Assessment, *LA* 291

Nesi, Giuseppe, *See* Politi
Netherlands, before ECJ, *ID* 950–5
Neuman, Gerald L., *BR* of Aleinikoff & Klusmeyer, 514
[The] New African Union and Its Constitutive Act, *CD* 365
New Developments in the Law of the Sea: The UNESCO Convention on the Protection of Underwater Cultural Heritage, *CD* 419
Nigeria
before African Commission on Human and Peoples' Rights, *ID* 937–42
Nonstate Actors
and human rights abuses, 183–4
North Korea
nationals seeking asylum at US diplomatic compounds in China, *CP* 718–9
Nye, Joseph S., Jr. and John D. Donahue (eds.), Governance in a Globalizing World, *BR* 745

Oda, Judge Shigeru, dissenting opinion of, 807
Oosterveld, Valerie, *BR* of Gardam & Jarvis, 755
Orakhelashvili, Alexander, *ID* 677–84
Organization for the Prohibition of Chemical Weapons
US initiative to oust Director-General, *CP* 711–2
Organization of African Unity (OAU)
reform of, 366–9
See also African Union
Organization of American States
American Convention on Human Rights, 179

application by Chile, 552–4
General Assembly, 31st session, *CD* 173–81
Inter-American Commission of Human Rights, 179
decision on Cuba detainees, *CP* 730–1
Inter-American Court of Human Rights, 179
Oxman, Bernard H. (ed.),
and Vincent P. Bantz, *ID* 219–25
International Decisions, 198, 435, 677

Packer, Corinne A.A. & Donald Rukare, The New African Union and Its Constitutive Act, *CD* 36
Palestine
as discussed in UNCHR, 196
Paust, Jordan, *BR* of Kirk McDonald & Swaak-Goldman, 1006
Petersmann, Ernst-Ulrich, on legitimating trading system, 105
Plant, Glen, *ID* 198–210
Pogge, Thomas M., Global Justice, *BR* 984
Politi, Mauro, and Giuseppe Nesi (eds.), The Rome Statute of the International Criminal Court: A Challenge to Impunity, *BR* 268

Qatar
in case against Bahrain before ICJ, *ID* 198–210

Rao, P.S., special rapporteur of ILC, 795
Ratner, Steven, *Jus ad Bellum* and *Jus in Bello* after September 11, *NC* 905
Recent Books on International Law, 264, 489, 734
Recueil des Cours: Collected Courses of the Hague Academy of International Law (Vol. 287, 2000), *CE* 522
Redressing the Wrongs of the International Justice System: Compensation for Persons Erroneously Detained, Prosecuted, or Convicted by the Ad Hoc Tribunals, *NC* 606
Refugees,
Convention on the Rights of the Child (1989) and, 675–6
non-refoulement, 674
UN Convention Relating to the Status of (1951), 719
Protocol Relating to the Status of (1967), 719
See also Australia, refugee protection
Reisman, Michael, on media and international decision, 601
Reparations, *See* International Law Commission and state responsibility, reparations
Reydams, Luc, *ID* 231–6
Righting Wrongs: Reparations in the Articles on State Responsibility, *Sym.* 833–56
Rindskopf Parker, Elizabeth, *BR* of Fuentes-Camacho
Riphagen, Willem, special rapporteur of ILC, 796
Road Traffic, United Nations Convention on (1949)
US interpretation of, *CP* 709–10
Rodley, Nigel S., *BR* of Alston & Crawford, 504
Rodman, Kenneth A., Sanctions Beyond Borders: Multinational Corporations and U.S. Economic Statecraft, *BR* 741
Rosenstock, Robert
and Margo Kaplan, The Fifty-third Session of the International Law Commission, *CD* 412
BR of Morton
[The] ILC and State Responsibility, *Sym.* 792
Roth, Brad R., *See* Fox
Rudolf, Beate, *See* Thieme
Rudy, Timothy D., *See* Lagos
Rukare, Donald, *See* Packer
Russian Federation
constitution and monist approach to international law, 542–4
signing of Treaty on Strategic Offensive Reduction (US–Russia), *CP* 734–5
US reaction to continental shelf claim, *CP* 969–70
Rwanda
as discussed in UNCHR, 194–5
legal analysis by US State Department of 1994 genocide in, *CP* 258–60
national of in case before Swiss court for war crimes, *ID* 231–5

Safrin, Sabrina, Treaties in Collision? The Biosafety Protocol and the World Trade Organization Agreements, *NC* 600
Sanderson, M.A., *ID*
Sands, Philippe, and Pierre Klein (eds.), Bowett's Law of International Institutions (5th ed.), *BR* 736
Saudi Arabia, boundary treaty with Yemen, 161–73
Schachter, Oscar, on environmental harm, 293
Scharf, Michael P., *BR* of Kittrie, 275
Schermers, Henry, on treaty law and domestic governance, 547–8
Schoenbaum, Thomas J., *BR* of Bradlow & Escher, 759
Schwebel, Stephen M., Monroe Leigh (1919-2001), *NC* 159
[The] Second Review Conference of the 1980 Convention on Certain Conventional Weapons, *CD* 922
[The] Security Council Starts Legislating, *NC* 901
Self-determination
as part of customary international law, 168–9
Serbia, *see* Yugoslavia, Federal Republic of
Sex, Gender, and September 11, *Ed.* 561
Shelton, Dinah,
ID 937–42
Righting Wrongs: Reparations in the Articles on State Responsibility, *Sym.* 833–56
Shelton, Dinah (ed.), International Crimes, Peace, and Human Rights: The Role of the International Criminal Court, *BR* 268
Siegel, Deborah E., Legal Aspects of the IMF/WTO Relationship: The Fund's Articles of Agreement and the WTO Agreements, *LA* 561
Simpson, Brian, *BR* of Koskenniemi, 995

[The] Sixth Session (Part Two) and Seventh Session of the Conference of the Parties to the Framework Convention on Climate Change, *CD* 648
Skogly, Sigrun I., The Human Rights Obligations of the World Bank and the International Monetary Fund, *BR* 501
Slaughter, Anne-Marie, on would-be institutions of global governance, 96
Slovenia, Republic of, *see* Yugoslavia, Socialist Federal Republic of
Smith, Rhona K.M., *ID* 692–9
Solomon, Steven A., *see* Kaye
Sondaal, H.H.M., on the Netherlands joining treaties, 549
Sovereign immunity
of Congo's foreign minister under international law, *ID* 677–84
Stahn, Carsten, The Agreement on Succession Issues of the Former Socialist Federal
Republic of Yugoslavia, *CD* 379
Staiger, Robert W. *See* Bagwell
State responsibility and liability
US interpretation of continuous nationality rule, *CP* 706–7
US interpretation of denial of justice standard, *CP* 707–9
See also International Law Commission
State succession, 379–97
archives, 393–4
consular and diplomatic property, 384–5, 389–90
division of state property, 386–90
financial assets and liabilities, 390–3
human rights and, 396
mutual rights and obligations of co-successors, 384
obligations under international law, 383
private property and acquired rights, 394–6
recognition of equity as a guiding principle of, 383
rejection of legal continuity, 382
Steger, Debra P., Afterword: The "Trade and . . . " Conundrum—A Commentary, *Sym.* 135
Stewart, David P., *See* Cummins
Stockholm Declaration on the Human Environment (1972), *see* International environmental law
Summit of the Americas, Third, *CD* 173–81
proposed Inter-American Democratic Charter, 173–81
Sudan
as discussed in UNCHR, 194
Swaak-Goldman, Olivia. *See* Kirk McDonald
Switzerland
municipal court exercising universal jurisdiction, *ID* 231–6
Symposium: The Boundaries of the WTO, *Sym.* 1
Symposium: The ILC's State Responsibility Articles, *Sym.* 773
Szasz, Paul C., The Security Council Starts Legislating, *NC* 901

[The] Taliban, al Qaeda, and the Determination of Illegal Combatants, *Ed.* 891
Taliban
and attacks on September 11, 2001, 237–55
See also Military commissions; Terrorism
Teitel, Ruti, on liberal transitions and international law, 541
Terrorism
attacks of September 11, 2001: questions of sex and gender, *Ed.* 600–5
Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (1971), *CP* 255–8
Convention for the Suppression of Unlawful Seizure of Aircraft (1970), *CP* 255–8
Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963), *CP* 255–8
Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents (1973), *CP* 255–8
International Convention Against the Taking of Hostages (1979), *CP* 255–8
International Convention for the Suppression of the Financing of Terrorism (1999), *CP* 255–8, 903
legality of American policy on, *NC* 905–21
Security Council on, *NC* 901–5
US detention of aliens in aftermath of September 11 attacks, *CP* 470–5
US unilateral action against, *Ed.* 659–64
US special military tribunals to try foreigners charged with, *CP* 731–4
See also Military commissions
Thieme, Dominik and Beate Rudolf, *ID* 225–30
[The] Third Summit of the Americas and the Thirty-first Session of the OAS General Assembly, *CD* 173
Tiefer, Charles, *BR* of Glennon
Torture
condemnation of, 188
United Nations Convention Against, and Other Cruel, Inhuman, or Degrading Treatment of Punishment (1984), 185–6
application by Chile, 554
Trachtman, Joel P.
BR of Pogge, 984
Institutional Linkage: Transcending "Trade and . . . ", *Sym.* 77
Treaties in Collision? The Biosafety Protocol and the World Trade Organization Agreements, *NC* 600
Treaty of Jeddah (Saudi Arabia–Yemen) (2000), 161–73
Treaty of Peace (Japan–US) (1951), 261
Treaty on Strategic Offensive Reduction (US–Russia) (2002), *CP* 734–5
Treaty of Taif (Saudi Arabia–Yemen) (1934), 161–73
Trelogan, Thomas. *See* Mazurana
Triangulating the World Trade Organization, *Sym.* 28
Trouwborst, Arie, Evolution and Status of the Precautionary Principle in International Law, *BR* 1016
Trubek, David M., *BR* of Nye & Donahue, 745

Turkey
in case before ECHR, *ID* 445–52
[The] 2001 Judicial Activity of the International Court of Justice, *CD* 397

United Kingdom
in cases before ECHR, *ID* 692–705, 943–9
United Nations
Headquarters Agreement with US (1947), 964
United Nations Commission on Human Rights
57th session of, *CD* 181–97
freedom of speech, 187–8
membership, 196–7
right to development as discussed in, 192–3
US election to, *CP* 718
United Nations Compensation Commission, 852–3, 856
United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
US view on pursuing protocol on preventive visits, *CP* 970–1
United Nations Convention on Prohibitions Conventional Weapons (1980)
amendment of, 924–31
antivehicle land mines, 931–3
assessment, 936
background of, 923–4
compliance, 935–
expansion of scope, 928–31
explosive remnants of war (ERW) or unexploded ordnance (UXO), 933–5
Review Conference, Second of, *CD* 922–36
United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979)
US Senate consideration of, *CP* 971–3
United Nations Framework Convention on Climate Change (1992), *CD* 648–60
Global Environment Facility (GEF), 650–1
Kyoto Protocol, implementation, 648–9
compliance with, 225–30, 654–5
Bonn Agreements on (2001), 650–5
Marrakesh Accords on, 650–5
US developments relating to, *CP* 487–8, 655–9
United Nations General Assembly
Definition of Aggression (1974), 907, 914
United Nations High Commissioner for Human Rights
on US treatment of prisoners detained in Afghanistan, 475
United Nations Populations Fund (UNFPA)
US funding for, 962 –3
United Nations Security Council
authorizing interventions, *Ed.* 359–64
Counter-Terrorism Committee, 902
double conundrum, 900
efforts to address Iraqi compliance with weapons inspections, *CP* 956–62
legislative capacities of, *NC* 901–5
on state succession, 380–1
procedural matters, 900
resolution on importance of involving women in peace negotiations and settlements, 603
resolution against trade in conflict diamonds, 485–7
resolutions imposing conditions under Chapter VII, *Ed.* 899–900
United States
Abandoned Shipwrecks Act, 425
Alien Tort Claims Act, *CP* 261–2
American Servicemembers' Protection Act, *CP* 975–7
and legal regulation of use of force, *CP* 237–55
Antiterrorism Act, 466
Antiterrorism and Effective Death Penalty Act, 964
Bipartisan Trade Promotion Authority Act, *CP* 980
Clean Diamond Trade Act, 485–7
duty to provide review of criminal proceedings where rights under Vienna Convention on Consular Relations are denied, *ID* 210–8
Flatow Amendment, 466–7, 964
Foreign Sovereign Immunities Act, 159, 463–8, 964
terrorist–exception cases in 2002, *CP* 964–7
in case before WTO Appellate Body, *ID* 685–92
in *LaGrand* case before ICJ, *ID* 210–9, 400–2, 411, 461–3
International Emergency Economic Powers Act, 241
interpretation of continuous nationality rule, *CP* 706–7
interpretation of denial of justice standard, *CP* 707–9
launching attacks against Al Qaeda and Taliban targets in Afghanistan, 246–50
party to several antiterrorist conventions, *CP* 255–8
"revenue rule" barring of foreign suits concerning cigarettes, *CP* 715–7
spheres of power of branches of government, 468
subpoena of *Washington Post* journalist by ICTY, *CP* 967–8
Torture Victim Protection Act, *262*, *CP* 719-23
Trade and Development Act of 2000
African Growth and Opportunity Act, *CP* 978–9
USA PATRIOT Act, 252
United States Congress
joint resolution that President has authority under Constitution to take action to deter and prevent acts of international terrorism against US, 242
United States Department of Defense
ability of detainees in Cuba to obtain federal habeas corpus review, *CP* 481–2

decision not to regard persons detained in Afghanistan as POWs, *CP* 475–80
Inter-American Commission of Human Rights, decision on Cuba detainees, *CP* 730–1
military commissions, 320–58
rules on military commissions, *CP* 731–4
U.S. Department of the Army, Operational Law Handbook, 476
United States Department of Justice
detention of aliens in aftermath of September 11 attacks, 251–5, *CP* 470–5
intensifying domestic law enforcement, 251–5
United States Department of State
blocking of Iceland's efforts to join Whaling Convention, *CP* 712–7
designation of foreign state as sponsor of terrorism, *CP* 964–7
discretion to espouse claims by naturalized US citizens, *CP* 262–3
efforts to address Iraqi compliance with weapons inspections, *CP* 956–62
efforts to obtain immunity from ICC for US peacekeepers, *CP* 725–9
election to UN Human Rights Commission, *CP* 718
expulsion of diplomat accredited to UN, *CP* 963–4
initiative to oust OPCW Director-General, *CP* 711–2
interpretation of UN Convention on Road Traffic, *CP* 709–10
legal analysis of 1994 genocide in Rwanda, *CP* 258–60
letter to US court after *LaGrand* decision, *CP* 461–3
Millennium Challenge Account: increase of foreign aid, *CP* 717–8
no support for adoption UNESCO Convention on Underwater Heritage, *CP* 468–70
North Koreans seeking asylum at diplomatic compounds in China, *CP* 718–9
notification of intent not to become a party to the Rome Statute, *CP* 724
Office of the Legal Adviser, 159
pressure on Serbia to transfer ICTY indictees, *CP* 729–30
reaction to Russian continental shelf claim, *CP* 969–70
views on hate-speech protocol to Cybercrime Convention, *CP* 973–5
view on pursuing Torture Convention protocol on preventive visits, *CP* 970–1
views on future for war crimes tribunals, *CP* 482–4
United States Department of Treasury
Millennium Challenge Account: increase of foreign aid, *CP* 717–8
power to target financial support for terrorist organizations worldwide, *CP* 241–2
United States district court
dismissal of claims by aliens for Japan forced labor, *CP* 261–2
United States Federal Bureau of Investigation (FBI)
detention of aliens in aftermath of September 11 attacks, *CP* 470–5
United States House of Representatives
efforts to obtain immunity from ICC for US peacekeepers, *CP* 725–9
legislation in support of diamond controls, *CP* 485–7
United States President
and legal regulation of use of force, *CP* 237–55, *NC* 905–21
as commander in chief determined US nationals as unlawful combatants, *CP* 981–3
authority of, in American Servicemembers' Protection Act, *CP* 975–7
Bush Doctrine, *Ed.* 359–64
creation of Office of Homeland Security, 243
decision not to regard persons detained in Afghanistan as POWs, *CP* 475–80, *Ed.* 891–8
declaration of national emergency, 242
Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism (Military Order), 253–5, 321–8
funding for UN Population Fund (UNFPA), *CP* 962–3
imposition of US tariffs on steel imports, *CP* 977–8
issuing executive order expanding US Treasury Department's power, 241–2
on use of force against Iraq, *CP* 958–62
proposal for reducing greenhouse gases, *CP* 487–8
signing of Bipartisan Trade Promotion Authority Act, *CP* 980
signing of Treaty on Strategic Offensive Reduction (US–Russia), *CP* 734–5
State of the Union Address, 360
United States Senate
consideration of UN Convention on the Elimination of All Forms of Discrimination Against Women, *CP* 971–3
on command responsibility in human rights cases, *CP* 719–23
U.S. Military Commissions: One of Several Options, *Ag.* 354
Use of force
US responses to terrorism, 905–11, 913–9
international reactions, 909–10, 920
[The] Use of Military Commissions to Prosecute Individuals Accused of Terrorist Acts, *Ag.* 320

Victor, David G., The Collapse of the Kyoto Protocol and the Struggle to Slow Global Warming, *BR* 734
Vienna Convention on Consular Relations (1963),
duty to inform foreign nationals of right to assistance, 210–9, 400–2, 461–3, 847–8
Vienna Convention on Diplomatic Relations (1961)
US expulsion of Iraqi diplomat accredited to UN, *CP* 963–4

Vienna Convention on State Succession in Respect of State Property, Archives and Debts (1983), 379–97
Vienna Convention on the Law of Treaties (1969), 414, 533, 869–70
Voos, Sandra, Die Schule von New Haven: Darstellung und Kritik einer amerikanischen Völkerrechtslehre, *BR* 499

Walker, George K., The Tanker War, 1980–88: Law and Policy, *BR* 278
Wedgwood, Ruth, Al Qaeda, Terrorism, and Military Commissions, *Ag.* 328
Weiler, Joseph, on GATT trade policy elite, 99
Whaling, International Convention for the Regulation of (1946)
  US blocking of Iceland's efforts to join, *CP* 712–7
Wiessner, Siegfried, *BR* of Voos, 499
Wilson, Richard J., *BR* of Knoops, 517
Wirth, David A.
  ID 435–9
  [The] Sixth Session (Part Two) and Seventh Session of the Conference of the Parties to the Framework Convention on Climate Change, *CD* 648
World Trade Organization
  Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 49–51, 78–9
  and environmental issues, 685–92
  and linkages, *Sym.* 1–27
    comments, *Sym.* 118–58
    concept of, 6–11
    desirability of, 24–7
    issue areas, 6–10
    regimes, 10–11
    relational aspects of, 16
    sanction, 14–5
    strategic, 12–4
    structures, 16–24
    substantive, 11–2
  and shrimp import restrictions, 685–92
  Appellate Body on banning importation of asbestos and related products, *ID* 435–9
  determination of mission, *Sym.* 28–55
    comments, *Sym.* 118–58
    exclusion of labor and environment, 28, 104
    relationship between intergovernmental organizations, 47–54
    relationship between states, 36–43
    relationship between states and individuals, 43–47
  dispute panels on imposition of US tariffs on steel imports, *CP* 977–8
  institutional linkage, *Sym.* 77–93
    allocation of jurisdiction among international organizations, 88–92
    allocation of jurisdiction between states and international organizations, 85–8
    allocation of property rights, 83–5
    and political linkage, 78–9
    as problem of jurisdiction, 80
    comments, *Sym.* 118–58
    prescriptive jurisdiction of states, 80–5
  legal aspects of relationship with IMF, 561–99
    categories of interaction, 572–99
    institutional and operational differences, 562–7
    key legal provisions governing relationship, 567–72
  politics and international trade, *Sym.* 94–117
    comments, *Sym.* 118–58
    division between insiders and outsiders, 108
    nondiscrimination norm, 97
    trade liberalization and political commitment, 96–8
    professionalization of trade law and policy, 98–101
    response to pressures on embedded liberalism, 101–8
    role of Appellate Body, 109–11
  trade agreements and economics, *Sym.* 56–76
    and competing export industries, 62–3
    comments, *Sym.* 118–58
    cross-country linkages, 64–5
    economic rationale for, 56–7
    guiding principles, 63–4
    labor and environment, 65–76
    market access and, 59–60
    moral conception, 75
    objections to economic rationale for, 57–8
    'Race-to-the-bottom' and 'regulatory-chill', 61–2
    standards, 60–1

Yemen
  boundary treaty with Saudi Arabia, 161–73
  privileges in Saudi Arabia, 169–72
Yerodia Ndombasi, Abdulaye, 677–84
Young, Oran R., *BR* of Victor, 734
Yugoslavia, Federal Republic of
  US pressure on Serbia to transfer ICTY indictees, *CP* 729–30
See also Yugoslavia, Socialist Federal Republic of
Yugoslavia, Socialist Federal Republic of,
  Badinter Arbitration Commission on succession of, 380–3, 386–7, 397
  Agreement on Succession Issues (2001), *CD* 379–97
    disputes concerning interpretation of, 385

Zagaris, Bruce, *BR* of Abbell, 764
Zawati, Hilma M., Is Jihād a Just War? War, Peace, and Human Rights Under Islamic and Public International Law, *BR* 1000